

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 30743

Pasquale Coppola
8119 McDonogh Road
Pikesville, MD 21208

925 Cromwell Bridge Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on April 7, 2009, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 408, failure to cease the use of the property as a rooming/boarding house on residential property known as 925 Cromwell Bridge Road, 21286.

On March 23, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,200.00 (four thousand two hundred dollars).

The following persons appeared for the Hearing and testified: the Respondent's brother, Luigi Coppola and Latoshia Rumsey Scott, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued on March 23, 2009. A Correction Notice was not issued pursuant to Departmental policy requiring immediate Citation for illegal rooming/boarding houses, consistent with Baltimore County Code Section 3-6-205. Respondent was sent Interrogatories, pursuant to County Code Section 3-6-206(e), but failed to respond.

B. At this Hearing, Inspector Rumsey-Scott testified that the County received a complaint from the Cromwell Valley Community Association that at least ten adults were living in this house. The Community Association submitted questionnaires filled out by twelve neighbors, alleging that from eight to 15 adult men are living in the house and that they all frequently ride in a large red passenger van on a daily basis. The neighbors did not provide their names and addresses on the questionnaires but the transmitting letter from an Association representative stated that the forms were filled out at a community meeting.

C. A Baltimore County Police Report, CC 09-058-0237, documents the use of Respondent's property as a rooming/boarding house. The Report states that on February 27, 2009, police officers responded to the location at 0200 hours in response to a call about a disturbance. They were invited inside by a resident. The Report states, "While inside, the officers observed 16 beds inside the location." The officers returned in reference to another disturbance at 0332 hours, and met with the leaseholder, Ze Shun Li. The Report further states that Mr. Li "walked the officers through the location. Sixteen beds were counted inside the location. There was no other furniture inside the location. Beds were located on the floors in the living room and all other rooms with the exception of the dining room and kitchen."

D. The Police Report further states that residents advised the police officers that Mr. Li drives a red van and picks the residents up around 10:00 every morning; that Mr. Li sublets the location and places the "workers" inside the location to stay; and that residents are required to pay Mr. Li \$560 per month each, with currently 16 residents in the house.

E. Inspector Rumsey-Scott testified that she entered the property on March 17, 2009, along with police officers and an interpreter, with the permission of residents, and took digital photographs. Photographs in the file show numerous thin mattresses on the floor with sheets and sleeping bags, and at least two sets of bunk beds. Some beds were occupied. All beds appear to be in current use, with personal items and clothing on the mattresses or nearby on the floor. Photographs show numerous adult shoes inside the front door. There is no indication that children reside in the house.

F. Respondent's brother, Mr. Luigi Coppola, appeared on behalf of Respondent. Mr. Coppola testified that he did not know these people were living in the house. Mr. Coppola testified that Respondent did not receive notice of the Citation. Mr. Coppola acknowledged that the address provided in the State property tax records was used to send the Citation. Inspector Rumsey-Scott testified that as a courtesy she also mailed a copy of the Citation to another address contained in the file.

G. Citations were previously issued to Respondent in 2007 for similar violations. Following Respondent's Appeal of a Citation issued May 21, 2007, the Baltimore County Board of Appeals entered an Order dated September 26, 2007 reducing the civil penalty from \$10,000.00 to \$4,000.00 and adopting terms of a Settlement Agreement reached between Respondent and Baltimore County. These terms included that Respondent shall comply with County zoning regulations in their entirety, and specifically BCZR Section 408, and that Respondent shall include a provision in all future leases of 925 Cromwell Bridge Road specifying to any and all prospective tenants that a violation of BCZR Section 408 will result in an immediate termination of said lease.

H. The current lease between Mr. Luigi Coppola and Mr. Li is in the file. Dated October 23, 2008, it is on a form headed "Non-Management Deed of Lease for Maryland" on letterhead of Long and Foster Real Estate, Inc., in Chantilly, Virginia. The lease provides for \$1,800.00 monthly rent, for a lease term running from November 1, 2008 to October 31, 2009. Section 4, "Occupant's Use," provides that "Tenant will use said property as a single family residence" but the number of persons is left blank. The lease does not contain a provision stating that a violation of BCZR Section 408 will result in immediate termination of the lease.

I. It is clear from the testimony and evidence that an unlicensed rooming/boardhouse is illegally operating in Respondent's property. Also, by failing to include the required provision that a violation of Section 408 will result in immediate lease termination, Respondent has failed to comply with his settlement agreement and with the Board of Appeals Order from September 2007. Whether Respondent had actual knowledge of the zoning violation being committed by his lessee is immaterial. Allowing sixteen adults to be housed in a single-family residence, sleeping on thin mattresses on the floor is outrageous. Respondent has a duty to monitor his property and to ensure compliance with County codes and zoning regulations.

J. At this Hearing, Mr. Coppola requested additional time to terminate the lease and evict the tenants; that request will not be granted, because Respondent should have complied with the Board of Appeals' Order and included the immediate termination provision in the lease. An additional reason for not granting additional time is that Mr. Coppola testified that he did not take any steps to terminate the lease or evict the tenants prior to the Hearing, despite having actual notice of the Citation and violation.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000 (two thousand dollars) and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 13th day of April 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf